

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Sunrun Inc. for declaratory statement concerning leasing of solar equipment.

DOCKET NO. 20170273-EQ
ORDER NO. PSC-2018-0080-PCO-EQ
ISSUED: February 15, 2018

ORDER GRANTING MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE AND TO FILE MEMORANDUM OF LAW

On February 5, 2018, Gulf Power Company (Gulf Power) and Florida Public Utilities Company (FPUC) (collectively the Joint Movants) moved the Commission for leave to appear as amici curiae and to file an amici curiae memorandum of law addressing legal issues raised in the Petition for Declaratory Statement filed in this docket by Sunrun Inc. (Sunrun). In support, they state that they are well qualified to assist the Commission as amici curiae concerning certain legal issues in this docket “[g]iven their status as public utilities regulated by the Commission under Chapter 366, Florida Statutes, their knowledge of decisional law relating to the Chapter and their concern over any proposal which might be inconsistent with Chapter 366, as interpreted by the Commission and the courts of this State.” Also, they assert that they have a substantial interest in this docket, including “the avoidance of territorial disputes and the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities.”

In its response filed on February 9, 2018, Sunrun stated that it did not oppose the Joint Movants request for amici curiae and provided a response to the arguments raised in the memorandum.

Ruling

It is within the Commission’s jurisdiction to allow amicus curiae participation in Commission proceedings.¹ The Joint Movants are not a party, request participation only for the benefit of the Commission, and the participation will be beneficial to the Commission in analyzing the issues raised in Sunrun’s Petition for Declaratory Statement. For these reasons, I grant the Joint Movant’s request for leave to appear as amici curiae and to file an amici curiae memorandum. The memorandum of law was filed on February 5, 2018 with their motion.

¹The Commission has determined previously that “[i]t is within the Commission’s jurisdiction to allow amicus curiae participation in Commission proceedings.” Order No. PSC-13-0509-PCO-EQ, issued October 28, 2013, in Docket No. 130235-EQ, In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC. See also, Order No. PSC-00-1265-PCO-WS, issued July 11, 2000, in Docket Nos. 990696-WS and 992040-WS, In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation; and In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

Based on the foregoing, it is

ORDERED by Commissioner Gary F. Clark, as Prehearing Officer, that the Joint Motion of Gulf Power Company and Florida Public Utilities Company for Leave to Appear as Amici Curiae and to File Amici Curiae Memorandum is hereby granted. It is further

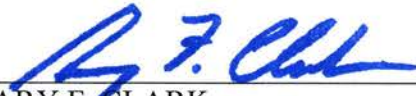
ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents, which may hereinafter be filed in this proceeding to:

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By ORDER of Commissioner Gary F. Clark, as Presiding Officer, this 15th day
of February, 2018.



GARY F. CLARK
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AEH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.